

BEFORE THE
SHORELINES HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF A SHORELINE
SUBSTANTIAL DEVELOPMENT PERMIT
ISSUED BY THE CITY OF SEATTLE
TO KIM DOGGETT,

MR. and MRS. GORDON JEFFERY,

Appellants,

v.

CITY OF SEATTLE, KIM DOGGETT,
and KEITH MAGNUSON,

Respondents.

SHB No. 82-6

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER

This matter, the request for review of a shoreline substantial development permit issued by the City of Seattle to Kim Doggett on behalf of Keith Magnuson, came on for hearing before the Shorelines Hearings Board, Gayle Rothrock, Vice Chairman, David Akana, A. M. O'Meara, Rodney Kerslake, and Ronald Holtcamp, Members, convened at Lacey, Washington, on June 2, 1982. William A. Harrison, Administrative Law Judge, presided.

1 Appellants appeared by their attorney Stephen Navaretta.
2 Respondent City of Seattle appeared by James E. Fearn, Jr., Assistant
3 City Attorney. Respondents Kim Doggett and Keith Magnuson appeared
4 and represented themselves. Reporter Kim Otis recorded the
5 proceedings.

6 Witnesses were sworn and testified. Exhibits were examined. From
7 testimony heard and exhibits examined, the Shorelines Hearings Board
8 makes these

9 FINDINGS OF FACT

10 I

11 This matter concerns a proposal to remodel a floating home which
12 shares a dock with 15 other floating homes on Lake Union in Seattle.
13 Specifically, respondent Keith Magnuson (owner of the floating home)
14 proposes to expand the rooms at the northerly end of his home. The
15 rooms would be expanded 3 feet northward so that the width of the home
16 would not be increased (except by a "greenhouse" window some 1 foot in
17 width). The peak of the roof would be increased 5 feet to a height of
18 16 feet. The finished houseboat dimensions will be 22 feet x 32 feet
19 for a spacial total of 704 square feet.

20 II

21 The dock to which this floating home is connected runs east and
22 west. The shore is at the east end, the open waters of the lake are
23 at the west end. Homes connected to the north side of the dock, such
24 as the one in question, have their predominant water views to the
25 northwest. Those on the south side of the dock have their predominant

26 FINAL FINDINGS OF FACT,
27 CONCLUSIONS OF LAW & ORDER
SHB No. 82-6

1 water views to the southwest. Respondent's immediate landward
2 neighbor on the north side of the docks, therefore, would be most
3 affected so far as view is concerned. To mitigate any adverse effect
4 upon that neighbor's view, the respondent proposes to cantilever his
5 addition so that there would be 5 feet of open space below. The
6 proposed development will have no substantial adverse impact upon the
7 view from the floating homes nearby. Views of the public will not be
8 affected by this proposal.

9 III

10 The proposed development will not cast shadows nor interfere with
11 air movement in any way that would cause significant deterioration to
12 any dock or float.

13 IV

14 In the evidence presented, minimum distance from the wall
15 (including the proposed greenhouse window) of the subject home to the
16 wall of the adjacent home is 4 feet 2 inches on the west and 7 feet 11
17 inches on the east.

18 V

19 On July 8, 1981, respondent applied to the City of Seattle for a
20 shoreline substantial development permit for the proposed
21 development. The permit was granted by Seattle on condition that:

22 1. The applicant shall move his float and houseboat
23 eastward to provide a minimum 3 ft. distance between
his west wall and the west lot line.

24 2. Construction debris must be cleaned from the
25 water surface of the surrounding waters on a regular
basis.

3. Exterior construction activities shall be limited to normal 7:00 a.m. to 6:00 p.m. working hours.

Appellants, owners of the floating home moorage in question request review of this permit.

V

Any Conclusion of Law which should be deemed a Finding of Fact is hereby adopted as such.

From these Findings of Fact come these

CONCLUSIONS OF LAW

I

We review the shoreline substantial development permit before us for consistency with the applicable (Seattle) shoreline master program and the provisions of chapter 90.58 RCW. RCW 90.58.140(2)(b).

II

In any review by this Board of the granting or denial of an application for a shoreline permit, the person requesting review (appellants) shall have the burden of proof. RCW 90.58.140(7).

III

View. The Seattle Shoreline Master Program (SSMP) provides:

Floating homes shall not be located or relocated in such a manner as to block the view corridor from the end of the dock or walkway. In the location and design of new or remodeled floating homes, views of the water for moorage tenants and the public shall be opened up and enhanced. Section 21A.73A.5.

This proposal will not block the view corridor from the end of the dock, will enhance the view of respondent, a moorage tenant, and will

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW & ORDER
SHB No. 82-6

1 have no substantial adverse impact upon the views of others. The
2 proposal is consistent with the above SSMP section relating to views.

3 IV

4 Side yard set-back. The Seattle Building Code provides:

5 Yards. Every yard shall be not less than 3 feet in
6 width for one-story and two-story
buildings....Section 1206(b).

7 Appellants have not proven that the subject permit is inconsistent
8 with this side yard set-back provision. Indeed, the first condition
9 of the permit requires adherence to it. Appellants express concern
10 that compliance with the permit's set-back condition will be
11 impractical. They have not so proven, however. We conclude that the
12 permit should not be reversed on this ground, and that compliance with
13 the permit's set-back condition is an enforcement matter for Seattle's
14 further consideration.

15 V

16 Appellants have not proven that the subject permit is inconsistent
17 with either the SSMP or chapter 90.58 RCW, the Shoreline Management
18 Act. Appellants have expressed other reasons why the proposed
19 remodeling would be detrimental to their economic position. This
20 Board is not the appropriate forum to resolve these issues.

21 VI

22 Any Finding of Fact which should be deemed a Conclusion of Law is
23 hereby adopted as such.

24 From these Conclusions the Board enters this

ORDER

The shoreline substantial development permit granted by the City of Seattle to Kim Doggett for owner Keith Magnuson is hereby affirmed.

DONE at Lacey, Washington, this 8th day of June, 1982.

SHORELINES HEARINGS BOARD

David Akana
DAVID AKANA, Lawyer Member

Gayle Rothrock
GAYLE ROTHROCK, Vice Chairman

A. M. O'Meara
A. M. O'MEARA, Member

Rodney Kerslake
RODNEY KERSLAKE, Member

Ronald Holtcamp
RONALD HOLT CAMP, Member

William A. Harrison
WILLIAM A. HARRISON
Administrative Law Judge